IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1588 OF 2007

Shri Rajesh Ishwarchand Khanna ..Petitioner
Vs.
Mr. John D'souza and ors. ..Respondents

Mr. V.G. Mujumdar for petitioner.
Mr. P.A. Pol, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : August 27, 2007.

P.C.:

1. Heard Mr. Mujumdar the learned counsel for the petitioner who had approached to the learned Judicial Magistrate, First Class, Cantonment Court at Pune and filed R.C.C. No.1518 of 2006 for an offence punishable under Section 500 of IPC. The learned Magistrate by his order dated 21/8/2006 issued process against the accused nos. 1 to 5 and consequently the accused nos.1 to 4 challenged the said order of process by filing Criminal Revision Application No. 120 of 2007. The learned Additional Sessions Judge, Pune by his Judgment and Order dated 19/4/2007 was pleased to allow the revision application and the

order passed by the learned JMFC at Pune for issuance of process has been set aside.

2. With the assistance of Mr. Mujumdar I have perused the notice dated Nil but displayed on the Notice Board of Green Acres Co-operative Housing Society Ltd. on 6/4/2006. The said notice speaks of the representation made by the petitioner to the Deputy Registrar, Co-op. Societies at Pune and the subsequent show cause notice issued by the said authority to six of the Managing Committee Members on 20/3/2006. It also alleges the petitioner's claim that he is the member of the Managing Committee elected along with the accused. It appears that the accused did not furnish the undertaking as required under Section 73(1AB) of the Maharashtra Co-Op. Societies Act, 1960. The notice states that the complaint filed by the petitioner with the Registrar, Co-Op. Societies is an extremely serious issue sought to be brought to the attention of the members, who must work jointly for the betterment and progress of the society and foil the attempts of the petitioner.

3. I am satisfied that the learned Additional Sessions Judge was right in holding that there was no prima facie case for an offence punishable under Section 500 of IPC, if regards be had to the said notice displayed on the Notice Board of the society on 6/4/2006 by the accused.

4. Hence the petition is rejected summarily.

(B.H. Marlapalle,J.)